

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

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FILED  
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UNITED STATES OF AMERICA

v.

NO. 3:16-CR-052-M

ARCHIE PATRICK FOLKS

**FACTUAL RESUME**

In support of Archie Patrick Folks' plea of guilty to Count One of the Indictment, charging a violation of 18 U.S.C. §844(e), that is Explosive Materials – Willfully Making a Threat, Archie Patrick Folks, and his attorneys, D. Mark Elliston and Wes Reed, agree and stipulate to the following:

**Elements of 18 U.S.C. § 844(e)**

In order to prove the offense of Explosive Materials – Willfully Making a Threat, as alleged in Count One of the Indictment, the government must prove each of the following elements beyond a reasonable doubt:

- First:** That the defendant willfully and maliciously conveyed false information concerning an attempt being made and to be made to unlawfully damage and destroy real or personal property belonging to the Department of the Navy, by means of an explosive;
- Second:** That the defendant used an instrument of interstate commerce, a telephone, to communicate the threat; and
- Third:** That the defendant knew the information was false;

### **Stipulated Facts**

On November 5, 2015, in the Dallas Division of the Northern District of Texas, the defendant, Archie Patrick Folks, willfully and maliciously conveyed false information concerning an attempt being made and to be made to unlawfully damage and destroy real or personal property belonging to the Department of the Navy at Naval Station Norfolk in Norfolk, Virginia by means of an explosive. Folks knowingly conveyed that false information by making an interstate telephone call to an entry control point (ECP) at a Navy pier at Naval Station Norfolk, which caused harm to the U.S. Navy. This conduct violates 18 U.S.C. § 844(e), as charged in Count One.


Folks admits that on November 5, 2015, he used his personal cellular telephone to place a phone call from the Northern District of Texas to an ECP at Pier 11 on Naval Station Norfolk. That base is owned and operated by the United States Navy, and serves as the headquarters of the Atlantic Fleet and is the major U.S. naval base on the East Coast. Folks was stationed at that base when he was on active duty in the Navy. He had worked in the ECP that he called, and knew the phone number for that location. When the person on duty in the ECP answered the phone, Folks verbally communicated a bomb threat by saying a bomb was in the area, or similar words to that effect. Folks knew the bomb threat was false because he had not placed a bomb anywhere. Folks willfully and maliciously conveyed the false bomb threat. At the time of the call, the *USS Wasp*, an amphibious assault ship, was moored alongside that pier. The *Wasp* has a crew of over a thousand

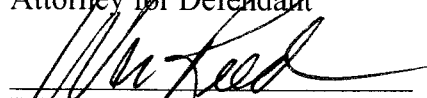
sailors, can embark over two-thousand Marines and also carries a complement of aircraft, including helicopters and vertical/short take-off and landing (V/STOL) aircraft.

The guard who received the bomb threat notified the appropriate officials at the naval base, and emergency response protocols were instituted for approximately twelve hours. A search of the pier, the *Wasp* and the surrounding area was initiated by naval personnel. Military working dogs swept the area and Navy divers inspected the underwater portion of the pier and the hull of the *Wasp*. In addition, a U.S. Navy Explosive Ordinance Disposal (EOD) team was dispatched to the scene to participate in the search for a bomb. Naval personnel were evacuated or instructed to shelter in place. The U.S. Navy incurred expenses in the amount of \$13,779.44 and over 217 lost man-hours in responding to the false bomb threat made by Folks.

AGREED TO AND SIGNED this 27<sup>th</sup> day of ~~March~~<sup>April</sup>, 2016.

  
ARCHIE PATRICK FOLKS  
Defendant

  
D. MARK ELLISTON  
Attorney for Defendant

  
WES REED  
Attorney for Defendant